

PATENT APPLICATION  
Mo7059/LeA 33,071

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPLICATION OF ) GROUP: 1795  
HORST BERNETH ET AL )  
SERIAL NO.: 10/089,358 ) EXAMINER:  
FILED: MARCH 13, 2002 ) CONFIRMATION NO.: 1359  
TITLE: METHOD FOR DIGITALLY AND )  
OPTICALLY STORING DATA )

**NOTICE OF APPEAL FROM THE EXAMINER TO THE**  
**BOARD OF PATENT APPEALS AND INTERFERENCES**

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Office Action of the Examiner dated June 6, 2008

in which Claims 1-5, 7-9, 12-18, 29 and 30 were  finally rejected.  
 twice rejected.

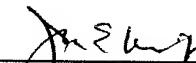
**APPEAL FEE \$540.00**

Enclosed

NOT REQUIRED - Examiner reopened prosecution after fee was paid in earlier appeal which did not result in a decision by the Board of Patent Appeals and Interferences.

CHARGE TO DEPOSIT ACCOUNT NO. 13-3848.

SEPARATE PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) with authority to charge appropriate fee is also submitted herewith.

By   
John E. Mrozinski, Jr.  
Attorney for Appellant(s)  
Reg. No. 46,179

Bayer MaterialScience LLC  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
Phone: (412) 777-3024  
FACSIMILE PHONE NUMBERS:  
(412) 777-3902

Date of Signature: December 5, 2008